

AMENDED IN ASSEMBLY MAY 18, 1998
AMENDED IN ASSEMBLY APRIL 27, 1998
AMENDED IN ASSEMBLY MARCH 24, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2303

Introduced by Assembly Member Runner

February 19, 1998

An act to add Section 435 to the Labor Code, relating to employment surveillance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2303, as amended, Runner. Employment surveillance: notice.

Existing law prohibits an employer from demanding or requiring any applicant for employment or prospective employment or any employee to submit to or take a polygraph, lie detector, or similar test or examination as a condition of employment or continued employment.

This bill, in addition, would prohibit an employer from causing an audio or video recording to be made of an employee in a restroom, locker room, or ~~other room intended~~ *designated* by an employer ~~to permit an employee to change his or her for changing~~ clothes. The bill would prohibit a recording made in violation of its provisions from being used by an employer for any purpose. The bill would make its provisions applicable to a private or public employer, except the federal government.

Because a violation of the provisions of the bill would constitute an infraction, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 435 is added to the Labor Code,
2 to read:

3 435. (a) No employer may cause an audio or video
4 recording to be made of an employee in a restroom,
5 ~~locker room, or other room intended by an employer to~~
6 ~~permit an employee to change his or her clothes~~ *locker*
7 *room, or room designated by an employer for changing*
8 *clothes.*

9 (b) No recording made in violation of this section may
10 be used by an employer for any purpose. This section
11 applies to a private or public employer, except the federal
12 government.

13 (c) A violation of this section constitutes an infraction.

14 SEC. 2. No reimbursement is required by this act
15 pursuant to Section 6 of Article XIII B of the California
16 Constitution because the only costs that may be incurred
17 by a local agency or school district will be incurred
18 because this act creates a new crime or infraction,
19 eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition
22 of a crime within the meaning of Section 6 of Article
23 XIII B of the California Constitution.

24 Notwithstanding Section 17580 of the Government
25 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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